IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9973 of 1999
And
CIVIL APPLICATION NO.3299 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HASMUKH C VAIDYA

Versus

STATE OF GUJARAT

Appearance:
MR P.M. RAVAL for Petitioners
Mr.A.J.Desai, learned A.G.P. for respondents

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 03/05/2000

ORAL JUDGEMENT

Heard learned counsel.

While issuing rule on 22.3.2000,learned A.G.P. was directed to place on record the reasons as to why the Government was not making proper nominations on the Board

of Ayurved and Unani System of Medicines and advised the Government to consider it as to whether such nominations can be made before next date in case the same had not been made so far.

Mr.A.J.Desai, learned A.G.P has also submitted that after this court's order dt.22.3.2000, nominations of members of the Board were made on 10.4.2000. Once the nominations have been made, in the opinion of this court, reasons for which the appointments were not made, have lost significance. Main prayer in the petition was seeking a direction to appoint members on the Gujarat Board of Ayurved and Unani System of Medicines and directions to take proper steps for holding the elections of the President and members of the Gujarat Board of Ayurved and Unani System of Medicines. Mr. Desai had given out that this process of election had already started. In this view of the matter, this petition has become infructuous. However, Mr.P.M.Raval has raised certain grievances in the Civil Application No.3299/2000 against the communication dt. 29.4.2000 Annexure 'E'. It is always open for the petitioner to challenge any orders which have been passed subsequently during the pendency of the petition. Since the challenge to this communication dt.29.4.2000 has nothing to do with the prayers made in the main petition, no useful purpose can be served by allowing the petitioner to amend the original petition, as it would change the very nature of the petition. Learned counsel for the petitioner seeks leave to challenge the subsequent orders by way of a separate petition. Liberty as prayed for is granted.

This Special Civil Application is, however, dismissed as having become infructuous. Rule is hereby discharged. No order as to costs.

In view of the order, as aforesaid, the Civil Application No.3299/2000 does not survive. The same is, therefore, disposed of accordingly.

(M.R.Calla,J)